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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,665	04/21/2004	Michel Desgagne	I-2-0496.1US	4930
24374	7590	04/11/2005	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			PHUNKULH, BOB A	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/828,665	<b>Applicant(s)</b> DESGAGNE ET AL.	
	<b>Examiner</b> Bob A. Phunkulh	<b>Art Unit</b> 2661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/18/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Miya (US 2002/0105913).

Regarding claim 1, Miya discloses a method for integrating time division duplex (TDD) and frequency division duplex (FDD) in wireless communication systems, the method comprising the steps of:

receiving radio access bearer (RAB) requests along with a plurality of parameters regarding the request (see paragraph 0042);

estimating a degree of symmetry in uplink (UL) and downlink (DL) connections required to support communication associated with the RAB requests;

selecting either a TDD or FDD connection based on the estimated symmetry of the UL and DL connections (see paragraph 0042).

Regarding claim 2, Miya discloses the TDD connection is selected for RAB requests having data rates above a predetermined threshold (high speed packet

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transmission, see paragraph 0042).

Regarding claim 3, Miya discloses the FDD connection is selected for RAB requests associated with voice applications(real-time request i.e. speech the FDD is selected, see paragraph 0042).

Regarding claim 4, Miya discloses evaluating a symmetry status of the UL and DL connections periodically once an initial connection has been established in response to a RAB request; and switching between TDD and FDD modes based on said symmetry status (the mobile station select TDD or FDD based on the received signal measurement, see paragraphs 0055 to 0061).

Regarding claim 5, Miya discloses all RAB requests are processed through a FDD RNC (see figure 5 and paragraph 0042).

Regarding claim 8, Miya discloses a system for integrating TDD and FDD in a communication system, the system comprising:

a core network (CN) (either telephone network 207 or IP network 208, see figure 5);

a time division duplex radio network controller (TDD RNC)(RNC 203, figure 5);

a frequency division duplex radio network controller (FDD RNC) (RNC 203, see figure 5); and,

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a TDD-FDD selector for receiving a RAB request and estimating symmetry status of uplink (UL) and downlink (DL) connections that is required to support the RAB assignment request, and

making a decision to assign radio resources in either TDD mode or FDD mode based on the estimated symmetry status (paragraph 0042).

Regarding claim 9, Miya discloses a TDD connection is selected for RAB requests having data rates above a predetermined threshold (high-speed packet transmission request, see paragraph 0042).

Regarding claim 10, Miya discloses a FDD connection is selected for RAB requests associated with voice applications (real-time request i.e. speech the FDD is selected, see paragraph 0042).

Regarding claim 11, Miya discloses the TDD RNC, the FDD RNC, and the TDD-FDD selector are integrated into an integrated TDD/FDD RNC (see figure 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miya in view of Petersen (US 2002/0049062).

Regarding claims 6-7, 12-13, Miya fails to disclose the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC.

Petersen, on the other hand, discloses the FDD RNC includes a TDD serving radio network controller (S-RNC) and is configured to support TDD Iur protocols; and only the CN and the FDD RNC are connected via an Iu interface and RAB requests are processed through the FDD RNC (see figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made includes the teaching of Petersen in the system taught by Miya in order to take advantage of commonly used protocol and interface in the UTRAN network.

### ***Conclusion***

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
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**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Bob A. Phunkulh**

A handwritten signature in black ink, appearing to read "Bob A. Phunkulh", with a horizontal line underneath the signature.

TC 2600

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April 6, 2005

**BOB PHUNKULH  
PRIMARY EXAMINER**